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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE TORONTO-DOMINION BANK
/ FIRST HORIZON CORPORATION
SECURITIES LITIGATION

**CASE NO: 23-cv-02763-RMB-
AMD**

**JOINT STIPULATION AND
ORDER**

WHEREAS, on June 14, 2023, the Court so-ordered a stipulation requiring the parties to propose a schedule for the filing of any consolidated complaint and Defendants' responses to the operative complaint within 30 days following the appointment of Lead Plaintiff and Lead Counsel (ECF No. 6);

WHEREAS, on August 29, 2023, the Court consolidated *The Arbitrage Fund v. The Toronto-Dominion Bank*, No. 1:23-cv-02763-RBK-AMD and *Andrew Amicarelli v. First Horizon Corporation*, No. 1:23-cv-03024-RBK-AMD, and

appointed the Institutional Investors¹ as Lead Plaintiffs of the consolidated action and appointed counsel for the Institutional Investors, Bernstein Litowitz Berger & Grossmann LLP and Saxena White P.A., as Lead Counsel for the Class (ECF No. 25);

WHEREAS, on October 5, 2023, the Court so-ordered a stipulation concerning the schedule for filing an amended complaint and Defendants' responses thereto (ECF No. 27);

WHEREAS, on December 15, 2023, Lead Plaintiffs filed the Amended Complaint (ECF No. 31);

WHEREAS, on January 22, 2024, the Court so-ordered a stipulation concerning the schedule for filing a further amended complaint and Defendants' responses thereto (ECF No. 45);

WHEREAS, on February 9, 2024, Lead Plaintiffs filed the Second Amended Complaint (ECF No. 46);

WHEREAS, the TD Defendants and First Horizon Defendants moved to dismiss the Second Amended Complaint on April 8, 2024 (ECF Nos. 47-48), Lead Plaintiffs filed a consolidated opposition on June 14, 2024 (ECF No. 51), and

¹ The "Institutional Investors" are the Westchester Funds, the Pentwater Funds, the Sand Grove Funds and the Alpine Funds. (ECF No. 17 at 1).

Defendants filed reply briefs in support of their respective motions on July 26, 2024 (ECF Nos. 52-53);

WHEREAS, Lead Plaintiffs now intend to further amend their existing complaint based on what they contend to be new information;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their undersigned counsel and subject to this Court's approval:

1. Lead Plaintiffs shall provide Defendants with their Third Amended Complaint by December 19, 2024;
2. Defendants shall provide Lead Plaintiffs with their decision as to whether they consent to Lead Plaintiffs' further amendment by January 17, 2025;
3. By January 31, 2025, Lead Plaintiffs shall file either (i) the Third Amended Complaint with Defendants' consent and a proposed schedule for Defendants' responses thereto, or (ii) a motion seeking leave to file the Third Amended Complaint and schedule for Defendants' responses thereto.

Dated: November 4, 2024

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IT IS SO ORDERED.

DATED: November 5, 2024

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Honorable Renée Marie Bumb
United States District Judge